

UNITED STATES COURT

UNITED STATES OF AMERICA,
Appellee

V.

USCA Case#23-12483
USDC Case#9:22-mj-8332-BER

UNITED STATES DEPARTMENT OF THE TREASURY,
Appellant

MOTION TO STAY

This motion is to stay all ORDERS and proceeding pending certiorari to the U.S. Supreme Court until the record is completed and all exhibits and documents are forwarded to the courts by the U.S. Marshals pursuant to FRAP 10 & 11. See attached Motion to Forward the Record.

This motion has been made to both the District Court and the Appeals Court.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that this motion has been served on all parties by U.S. Certified Mailed.

Dated: 08-23-2023

/s/ Duane L. Berry
Federal Trustee
Ioana Cristei Meyer
U.S. Dept. of Justice
PO box 480
Ben Franklin Station
Washington, DC 20044

If you view the Full Docket you will be charged for 2 Pages \$0.20

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 23-12483
Nature of Suit: 1440 Other Civil Rights
USA v. U.S. Department of the Treasury
Appeal From: Southern District of Florida
Fee Status: Fee Not Paid

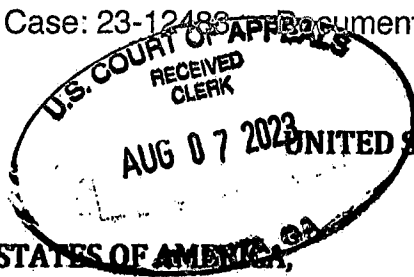
Docketed: 07/28/2023

Case Type Information:

- 1) U.S. Civil
- 2) U.S. Plaintiff
- 3) -

Originating Court Information:

District: 113C-9 : 9:22-mj-08332-BER-1
Court Reporter: Pauline Stipes
Civil Proceeding: Bruce E. Reinhart, U.S. Magistrate Judge
Date Filed: 08/05/2022
Date NOA Filed:
07/28/2023

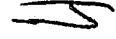


UNITED STATES COURT

UNITED STATES OF AMERICA,

Appellee

V.

USCA Case#23-12483 
USDC Case#9:22-mj-8332-BER

UNITED STATES DEPARTMENT OF THE TREASURY,
Appellant

CERTIFICATE OF INTERESTED PERSONS

The IN RE: SEALED SEARCH WARRANT is attached to IN RE: SEIZED FEDERAL SECURITIES and is in custody of the U.S. Department of Justice, Federal Trustee Duane L. Berry and the U.S. Department of the Treasury under the National Security Act pursuant to 50 USC 3162. See attached executed warrant.

Whereas, under the (NSA) no other party or Intervenor including CNN has a interest in this action other than the persons listed below.

Federal Trustee Duane L. Berry
U.S. Department of Justice
U.S. Department of the Treasury

CERTIFICATE OF SERVICE

The Appellant declares under the penalty of perjury its undersigned Department of Justice counsel shall make service on all parties by U.S. certified Mail.

Dated: 08-04-2023

/s/ Ioana Cristei Meyer
U.S. Dept. of Justice
PO Box 480
Ben Franklin Station
Washington, DC 20044

UNITED STATES OF AMERICA,
Appellee

V

USCA Case#23-12483
USDC Case#9:22-mj-8332-BER

UNITED STATES DEPARTMENT OF THE TREASURY,
Appellant

(FRAP 10 AND 11) MOTION TO FORWARD AND CORRECT THE RECORD

The Appellant the U.S. Department of the Treasury is the real party of interest. See attached Dkt. case#20-12483

On 7/8/21 and 7/23/21 under the direct ORDER of the Appellant the United States Department of the Treasury, the U.S. Marshals Service arrested CLASSIFIED SEIZED FEDERAL SECURITIES per. I.R.S. taxpayer account #56-0906609 BANK OF AMERICA and #14-202658 BCT and a portion is now held in the District Court's U.S. Marshals custody. See attached U.S.M.-285.

Pursuant to FRAP 10 and 11 the documents must be made available for the Court's for the courts record.

Please direct the Court to ORDER its U.S. Marshals to return the property per. newly submitted U.S.M.-285 forms instruction.

"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States V. Howard, 545 F.2d 1044, 6th Cir. 1976)

CERTIFICATE OF SERVICE

The Appellant declares under the penalty of perjury its undersigned Department of Justice counsel shall make service on all parties by U.S. certified Mail.

Dated: 8-01-2023

/s/Ioana Cristei Meyer
U.S. Dept. of Justice
PO Box 480
Ben Franklin Station
Washington, DC 20044

ATTACHMENT-A

USCA11 Case: 21-11738 Document: 2-1 Date Filed: 06/04/2021 Page: 1 of 1

No. 21-11738-J

JURISDICTIONAL QUESTION

Please address whether the notice of appeal contains the signature of Duane Berry, who has purported to be a federal trustee for the Department of Treasury, so as to comply with the federal rules of procedure. *See* Fed. R. Civ. P. 11(a) (“Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name— or by a party personally if the party is unrepresented. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”); Fed. R. App. P. 25(a)(2)(B)(iii); *Becker v. Montgomery*, 532 U.S. 757, 760–65 (2001) (noting that the signature requirement applies to notices of appeal but is not jurisdictional and may be satisfied after expiration of the initial appeal period if the notice is otherwise timely and sufficient, and promptly corrected); *see also* 11th Cir. R. 25-4 (requiring all filed papers to be signed); *Thiem v. Hertz Corp.*, 732 F.2d 1559, 1562–63 (11th Cir. 1984) (holding that a notice of appeal was sufficient to confer appellate jurisdiction where the names of counsel and the appellant were typed on the notice of appeal).

If the notice of appeal is in fact deficient, please address whether Berry can cure the lack of a signature by filing a signed notice of appeal in the district court. *See* Fed. R. Civ. P. 11(a); *Becker*, 532 U.S. at 760–65.

USCA11 Case: 21-11738 Document: 5-1 Date Filed: 06/21/2021 Page: 1 of 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11738-J

U.S. DEPARTMENT OF THE TREASURY,

Plaintiff - Appellee,

versus

SEIZED FEDERAL SECURITIES,

Defendant,

DUANE L. BERRY,

Interested Party - Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

ORDER:

The Appellant's motion to stay pending appeal, construed from motion to stay all Orders, Judgments, Mandates, Proceedings or otherwise in this action is GRANTED to the extent that this appeal shall be stayed for a period of sixty (60) days. The Appellant may file a renewed motion for stay at the expiration of the sixty (60) day-time period if necessary.

The Appellant is directed to file a monthly status report on the 15th of every month until the stay has been lifted.

/s/ Robin S. Rosenbaum
UNITED STATES CIRCUIT JUDGE

Case 4:21-cv-03610 Document 10 Filed on 05/23/22 in TXSD Page 3 of 13

UNITED STATES COURT OF APPEALS

**UNITED STATES DEPT. OF THE TREASURY,
PLAINTIFF**

V.

CASE#21-11738

**SEIZED FEDERAL SECURITIES,
DEFENDANT**

_____ /

STATUS REPORT BY ORDER

The ORDER has been satisfied to the extent that the Plaintiff has arrested and taken custody of the Defendant by attachments through its Federal Trustee Duane L Berry and the U. S. Marshals Service. No further stay is necessary. See attached executed warrants.

**/s/Duane L Berry
FEDERAL TRUSTEE**

Case: 23-117 Document: 1 Page: 1 Filed: 01/24/2023



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- Entry of Appearance or Notice of Unrepresented Person. (Fed. Cir. R. 47.3.)
- Certificate of Interest. (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- Docketing Statement. Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the Mediation Guidelines; no docketing statement is required in cases with an unrepresented party)
- Statement Concerning Discrimination in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

UNITED STATES SUPREME COURT

IN RE: UNITED STATES DEPARTMENT OF THE TREASURY

**Case#
USCA#2023-00117**

**RULE 22 APPLICATION FOR COURT TO ENFORCE ITS U.S. MARSHALS
TO: Chief Justice John G. Roberts**

On 7/8/21 and 7/23/21 under the direct ORDER of the United States Department of the Treasury, the undersigned Applicant and also the Respondent in the lower court, the U.S. Marshals Service arrested CLASSIFIED SEIZED FEDERAL SECURITIES per I.R.S. taxpayer account #56-0906609 BANK OF AMERICA and #14-202658 BCT and a portion is now held in this Court's U.S. Marshals custody. See attached U.S.M.-285.

Please direct the Court to ORDER its U.S. Marshals to return the property per. newly submitted U.S.M.-285 forms instruction.

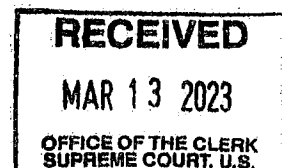
"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States V. Howard, 545 F.2d 1044, 6th Cir. 1976)

Dated: 3-03-2023

/s/ Duane L Berry
United States Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220
(Applicant)

/s/ Ioana Cristei Meyer
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)

/s/ Elizabeth Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)



Case: 23-117 Document: 4-1 Page: 1 Filed: 02/14/2023

(1 of 2)

FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****ENTRY OF APPEARANCE**Case Number: 2023-117Short Case Caption: In re: Seized Federal Securities

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DEPARTMENT OF JUSTICE**Principal Counsel:** Ioana Cristei Meyer

Admission Date: 07/24/2018

Firm/Agency/Org.: United States Department of Justice, Commercial Litigation Branch

Address:

PO Box 480, Ben Franklin Station, Washington, DC 20044

Phone: (202) 305-0001

Email: Ioana.Cristei@usdoj.gov

Other Counsel:

Admission Date:

Firm/Agency/Org.:

Address:

Phone:

Email:

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 2/14/23Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

Case: 23-117 Document: 4-2 Page: 1 Filed: 02/14/2023

(2 of 2)

FORM 30. Certificate of Service

Form 30
July 2020**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE****Case Number** 2023-117**Short Case Caption** In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023by ☒ U.S. Mail ☐ Hand Delivery ☐ Email ☐ Facsimile
☐ Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

☐ Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

Case 1:21-cv-00717-CAP Document 39 Filed 07/29/21 Page 1 of 1

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions for Service of Process by U.S. Marshal.

PLAINTIFF	U.S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER	1:21-cv-00717 CAP
DEFENDANT	SEIZED FEDERAL SECURITIES	TYPE OF PROCESS	SUBPOENA/WARRANT

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

U.S. DEPARTMENT OF THE TREASURY
Attn: Mr. Brent J. McIntosh
(General Counsel)
1500 Pennsylvania Ave., NW
Washington, DC 20220

Number of process to be served with this Form 285

Number of parties to be served in this case

Check the service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available for Service).

7-64

(SEE ATTACHED WARRANT)

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 29 2021

Signature of Attorney, Officer, or other person requesting service on behalf of

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NO.

KEVIN P. WEIMER, Clerk
By: [Signature] Deputy Clerk

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. 39	No. 6/11	[Signature]	7/23/21

I hereby certify and return that I ☒ have personally served, ☐ have legal existence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Ashley Pearce (Office Manager)

Address (complete only if different than shown above)

Same as above

☒ A person of suitable age and discretion then residing in defendant's usual place of abode

Date: 7/23/2021 Time: 9:43 am

Signature of U.S. Marshal or Deputy
[Signature] # 31907

Service Fee	Total Mileage Charges (including endorsement)	Forwarding fee	Total Charges	Advance Deposits
	14 miles / 1 hour			\$0.00

REMARKS

Served without incident to Ashley Pearce, Office Manager of Martins Towing, Inc. on 7/23/2021 @ 0943 hrs.

PRINTED 839123

1. CLERK OF THE COURT # 1 endeavor 7/27/2021
2. USMS RECORD # 14 miles
3. NOTICE OF SERVICE
4. BILLING STATEMENT To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal
5. ACKNOWLEDGMENT OF RECEIPT # 1 hour

PRIOR EDITIONS MAY BE USED

Form USM 285
Rev. 12-15-80
Amended U.S.C. 10

USM-285 is a 5-part form. Fill out the form in plain English. Signatures needed and other instructions follow.

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**
See "Instructions for Service of Process by U.S. Marshal"

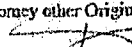
PLAINTIFF U.S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER 1:21-cv-00717-CAP
DEFENDANT SEIZED FEDERAL SECURITIES	TYPE OF PROCESS WARRANT

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN CNN
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1 CNN Center, Atlanta, GA 30303

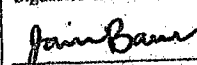
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW U.S. DEPARTMENT OF THE TREASURY Attn: Mr. Brent J. McIntosh (General Counsel) 1500 Pennsylvania Ave., NW Washington, DC 20220	Number of process to be served with this Form 285	1
	Number of parties to be served in this case	1
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

PLEASE MAINTAIN LEAKED TAX RECORDS, 'SEIZED FEDERAL SECURITIES' (Defendant) in your custody until further notice


Signature of Attorney or Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER ---	DATE 6/16/21
--	---	-------------------------	------------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. A9	District to Serve No. A9	Signature of Authorized USMS Deputy or Clerk 	Date 7/8/21
--	---------------------------	-------------------------------------	------------------------------------	---	-----------------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above) Linda Banks	<div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED IN CLERK'S OFFICE U.S.D.C. - Atlanta <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> AUG 16 2021 </div> KEVIN P. WEIMER, Clerk By:  </div>	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above) 289 Colver Street Lawrenceville, GA 30046		Date 13 Aug 21	Time 1140

Service Fee *	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges \$492.24	Advance Deposits	Amount owed to U.S. Marshal or (Amount of Refund) \$0.00
-------------------------	---	----------------	----------------------------------	------------------	--

REMARKS:

1) 404-827-1500 2) legal dept 4-827-4987 CT Corp 289 Colver St. S
General # Kelly Lawrenceville

PRINT COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

* see capture report for list of charges.

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00

Case 3:21-cv-00393-D-BT Document 2 Filed 02/24/21 Page 1 of 17 PageID 3

IN THE UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
N. DISTRICT OF FLA.

2021 FEB 24 PM 1:44

UNITED STATES DEPARTMENT OF THE TREASURY

(Plaintiff),

v.

SEIZED FEDERAL SECURITIES

(Defendants).

3-21CV0393-D
Case No. _____

COMPLAINT FOR FORFEITURE IN REM

Counsel
United States Department of Justice
Civil Division
950 Pennsylvania Ave., NW
Washington, DC 20530

Case 3:21-cv-00393-D-BT Document 2 Filed 02/24/21 Page 2 of 17 PageID 4

NOW COMES the United States Department of the Treasury, Plaintiff herein, by and through FEDERAL TRUSTEE Duane L. Berry pursuant to Department of Treasury (IRS) code 26 U.S.C § 6903 and the United States Attorney General pursuant to 28 U.S.C. § 516, in a civil cause of forfeiture, and respectfully states the following:

INTRODUCTION

1. This is a civil action in rem pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). Procedures for this action are mandated by Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and, to the extent applicable, 18 U.S.C. §§ 981, 983, and 984, and the Federal Rules of Civil Procedure.

2. This action seeks the forfeiture of all right, title, and interest in the above captioned property because the property constitutes or is derived from wire fraud in violation of 18 U.S.C. § 1343, major fraud against the United States in violation of 18 U.S.C. § 1031, and financial monetary transactions of tax instruments and money laundering conspiracy in violation of 18 U.S.C. §§ 1957 and 1956(h). As set forth more fully below, the conspirators identified herein, through fraud and false pretenses, obtained the property and or engaged in numerous transactions concerning fraud relating to tax instruments, monetary transactions, and money laundering.

3. This Court has jurisdiction over this action commenced by the United States under 28 U.S.C. § 1345 and over this action for forfeiture under 28 U.S.C. § 1355(a). The Court has in rem jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

4. This Court has venue pursuant to 28 U.S.C. §§1355 and 1395, as defendant property was found in this district.

Case 3:21-mj-08332-BER Document 3 Filed 03/21/21 Page 13 of 17 Panel D-5
5. The defendant is all present and future interest in the following property (hereafter collectively, "Seized Federal Securities"): (SEE EXHIBIT A)

6. The Seized Federal Securities, pursuant to the National Security Act (50 U.S.C. 3162(a)(1)) and other means, are currently being held in part by the Plaintiff, its FEDERAL TRUSTEE, and or the United States Marshals Service. (SEE EXHIBIT B)

7. Pursuant to Supplemental Rule G(2)(f), facts in support of a reasonable belief that the Government will be able to meet its burden of proof at trial as follows and have been verified by the attached FEDERAL TRUSTEE'S complaint with the Treasury Inspector General for Tax Administration (TIGTA). (SEE EXHIBIT C)

SUMMARY OF THE FRAUD

8. On 12/02/2019, FEDERAL TRUSTEE Duane L. Berry, and "Whistleblower" against then President Donald J. Trump, moved the 2nd Circuit Court of Appeals in an "Emergency Motion to Intervene" in the Presidents tax fraud investigation case which involved the United States House of Representatives as Intervenor and several media outlets as Movants. See Trump v. Deutsche Bank et al. (SEE EXHIBIT D)

9. Pending the action...millions of un-redacted classified tax returns and other sensitive financial data, bank records and accounts of banking and tax transactions of several million americans, federal government agencies, including but not limited to the United States Department of Defense, United States Department of State, and the (Plaintiff) United States Department of the Treasury were unlawfully obtained by the media outlets, President Trump, who is now facing criminal impeachment hearings in the Senate, and several other conspirators. (SEE EXHIBIT E)

Case 1:21-cv-00393-D-BT Document 2 Filed 02/24/21 Page 4 of 17 PageID 6

After repeated attempts to informally retrieve the Seized Federal Securities from the conspirators by the FEDERAL TRUSTEE, the Plaintiff, by and through its FEDERAL TRUSTEE and its powers appointed to him by Congress pursuant 26 U.S.C § 6903 employed the National Security Act, and other means, to retrieve the Seized Federal Securities.

11. The leak of the Seized Federal Securities has been a direct breach of the national security of the United States in which several trillion dollars of monetary transactions are potentially being exposed and compromised by the conspirators and other foreign entities, including the 'dark web' and Russian operatives.

12. The leak is also in direct violation of the Gramm-Leach-Bliley Act, in which financial institutions are not permitted to disclose nonpublic information of a customer to a third party without the consent of the customer. See 15 U.S.C. § 6802 (a)(b). Nonpublic personal information includes personally identifiable financial account information, including names and street addresses, where those details are disclosed in a manner that indicates the associated names are clients of a financial institution See 16 C.F.R. § 313.3(n)(1)(i), (3)(ii). All of which have been factors in this leak.

13. Furthermore, "tax returns are generally afforded special protection from public disclosure", See e.g. *Solomon v. Siemens Indus., Inc.*, 8 f. Supp. 3D 261, 285-86(E.D.N.Y. 2014) and any unlawful possession of tax returns for specific individuals or government security agencies would jeopardize the national security of the United States.

Case 3:21-cv-00393-D-BT Document 2 Filed 02/24/21 Page 5 of 17 PageID 7

CONCLUSION

14. By virtue of the foregoing, ALL right, title, and interest in the Seized Federal Securities held in the United States at the time of the commission of the unlawful acts giving rise to forfeiture has now become forfeitable to the United States.

WHEREFORE, the Plaintiff respectfully prays the Court that:

- A. Due notice be given to all known conspirators to appear and show cause why the forfeiture should not be decreed;
- B. Judgment be entered declaring the Seized Federal Securities be forfeited to the United States for disposition according to law; and
- C. The Plaintiff be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of the Seized Federal Securities.

Dated: January 29, 2021

Respectfully submitted,

UNITED STATES DEPARTMENT OF THE TREASURY

by and through

FEDERAL TRUSTEE DUANE L. BERRY

Case 3:21-cv-00393-D-BT Document 2 Filed 02/24/21 Page 11 of 17 PageID 13
EXHIBIT C

Form 3949 A (2-2007)	Department of the Treasury - Internal Revenue Service Information Referral <small>(See instructions on reverse)</small>	OMB # 1545-1960
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> 1. Taxpayer Name DONALD J. TRUMP </div> <div style="width: 48%;"> 2. Business Name CONSOVOY MCCARTHY PLLC </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> a. Street Address 140 E. 45th St., 17th flr </div> <div style="width: 48%;"> a. Street Address 10 Post Office Square </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> b. City/State/ZIP New York, NY 10017 </div> <div style="width: 48%;"> b. City/State/ZIP Boston, MA 02109 </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> c. Social Security Number (SSN) </div> <div style="width: 48%;"> c. Employer Identification Number </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> d. Occupation PRESIDENT (USA) </div> <div style="width: 48%;"> d. Principal Bus Activity REAL ESTATE </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> e. Date of Birth </div> <div style="width: 48%;"> 3a. Name of Spouse MELANIA TRUMP </div> </div>		
3. Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Head of Household <input type="checkbox"/> Divorced <input type="checkbox"/> Separated		
4. Alleged Violation of Income Tax Law (Check all that apply). <div style="display: flex; flex-wrap: wrap;"> <div style="width: 25%;"><input type="checkbox"/> False Exemption</div> <div style="width: 25%;"><input type="checkbox"/> Unsubstantiated Income</div> <div style="width: 25%;"><input checked="" type="checkbox"/> Unreported Income</div> <div style="width: 25%;"><input type="checkbox"/> Failure to Withhold Tax</div> <div style="width: 25%;"><input type="checkbox"/> False Deductions</div> <div style="width: 25%;"><input type="checkbox"/> Kickback</div> <div style="width: 25%;"><input type="checkbox"/> Narcotics Income</div> <div style="width: 25%;"><input type="checkbox"/> Wagering/Gambling</div> <div style="width: 25%;"><input type="checkbox"/> Multiple Filing</div> <div style="width: 25%;"><input type="checkbox"/> False/Altered Documents</div> <div style="width: 25%;"><input checked="" type="checkbox"/> Public/Political Corruption</div> <div style="width: 25%;"><input type="checkbox"/> Earned Income Credit</div> <div style="width: 25%;"><input checked="" type="checkbox"/> Organized Crime</div> <div style="width: 25%;"><input checked="" type="checkbox"/> Failure to Pay Tax</div> <div style="width: 25%;"><input type="checkbox"/> Failure to File Return</div> <div style="width: 25%;"><input checked="" type="checkbox"/> Other (Describe below)</div> </div>		
5. Unreported Income and Tax Years (Fill in Tax Years and dollar amount(s), if known, e.g., TY2005 \$10,000) TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____ TY _____ \$ _____		
a. Comments (Briefly describe the facts of the alleged violation - Who/What/Where/When/How. Attach another sheet, if needed). <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>"Major Fraud Against the United States" concerning CLASSIFIED TAX RECORDS. (SEE ATTACHMENT)</p> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> b. Are books/records available? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="width: 48%;"> c. Do you consider the taxpayer dangerous? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>		
d. Banks, Financial Institutions used by the taxpayer: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> Name: DEUTSCHE BANK AG Address: 2001 K St., NW City/State/ZIP: Washington, DC 20006 </div> <div style="width: 48%;"> Name: AKIN GUMP STRAUSS HAUSER & FELD Address: 1 Bryant Park City/State/ZIP: New York, NY 10036 </div> </div>		
e. Please describe how you learned and/or obtained the information in this report (Attach another sheet, if needed): <div style="text-align: center; margin-top: 10px;">(SEE ATTACHMENT)</div>		
6. Your Name: DUANE L. BERRY (FEDERAL TRUSTEE) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> a. Address: 38742 Bramham St. b. City/State/ZIP: Clinton Twp., MI 48038 c. Telephone Number (Please include the Area Code): </div> <div style="width: 48%;"> For Mailing Address, see Instructions For Paperwork Reduction Act, see Instructions </div> </div>		

ATTACHMENT-B

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

APPEAL,CLOSED,RECOUT

**U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:22-mj-08332-BER-1**

Case title: USA v. Sealed Search Warrant

Date Filed: 08/05/2022

Date Terminated: 08/05/2022

Assigned to: Magistrate Judge Bruce E.
Reinhart

Appeals court case numbers: 22-12708-F
USCA, 22-12791-JJ USCA, 22-12932-J
USCA, 22-13061-J USCA, 23-12483-J
USCA

Defendant (1)

Sealed Search Warrant
TERMINATED: 08/05/2022

represented by **Andrea Flynn Mogensen**
Law Office of Andrea Flynn Mogensen,
P.A.
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Ste 128
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Sarasota, FL 34236
941-955-1066
Email:
andrea@sarasotacriminallawyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

USCA11 Case: 22-13061 Document: 12 Date Filed: 10/18/2022 Page: 1 of 29

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CASE NO. 22-22-13061-J

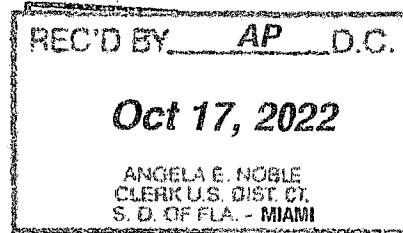
UNITED STATES OF AMERICA,

Appellee,

-versus-

MICHAEL BARTH

Appellant.



CERTIFICATE OF INTERESTED PERSONS

In compliance with Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1(a)(3) and 26.1-3, the undersigned certifies that the list set forth below is a complete list of the person and entities who have an interest in the outcome of this case.

Federal Trustee Duane L. Berry

United States Department of the Treasury

United States of America

American Broadcasting Company

Ballard Spahr

Barth, Michael S.

Cable News Network, Inc.

Caramanica, Mark Richard

CBS Broadcasting, Inc.

ATTACHMENT-C

USCA11 Case: 22-13005 Document: 76-1 Date Filed: 12/01/2022 Page: 1 of 21

[PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-13005

DONALD J. TRUMP,

Plaintiff-Appellee,

versus

UNITED STATES OF AMERICA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:22-cv-81294-AMC

Before WILLIAM PRYOR, Chief Judge, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

This appeal requires us to consider whether the district court had jurisdiction to block the United States from using lawfully seized records in a criminal investigation. The answer is no.

Former President Donald J. Trump brought a civil action seeking an injunction against the government after it executed a search warrant at his Mar-a-Lago residence. He argues that a court-mandated special master review process is necessary because the government's Privilege Review Team protocols were inadequate, because various seized documents are protected by executive or attorney-client privilege, because he could have declassified documents or designated them as personal rather than presidential records, and—if all that fails—because the government's appeal was procedurally deficient. The government disagrees with each contention.

These disputes ignore one fundamental question—whether the district court had the power to hear the case. After all: “Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citation omitted).

Even so, the FBI developed more evidence that other classified documents remained at Mar-a-Lago. In August 2022—over one-and-a-half years after the end of Plaintiff's presidential administration, six months after the first transfer of boxes to the National Archives, and three months after the subpoena was served—the Department of Justice sought a search warrant. It presented an FBI agent's sworn affidavit to a Florida magistrate judge, who agreed that probable cause existed to believe that evidence of criminal violations would likely be found at Mar-a-Lago. Warrant Affidavit at 1, 32; Notice of Filing of Redacted Documents at 2, *In re Sealed Search Warrant*, No. 22-mj-08332 (S.D. Fla. Aug. 11, 2022) ("Search Warrant"). The magistrate judge issued a search warrant for the offices, storage rooms, and potential storage sites at Plaintiff's residence, and authorized the seizure of:

All physical documents and records constituting evidence, contraband, fruits of crime, or other items illegally possessed in violation of 18 U.S.C. §§ 793, 2071, or 1519, including the following:

- a. Any physical documents with classification markings, along with any containers/boxes (including any other contents) in which such documents are located, as well as any other containers/boxes that are collectively stored or found together with the aforementioned documents and containers/boxes;

arising from the government's access to sensitive personal information or the threat of potential prosecution as irreparable injuries. And he asks us to find that he has no other remedy apart from equitable jurisdiction, even though he faces no remediable harm. Anyone could make these arguments. And accepting them would upend *Richey*, requiring federal courts to oversee routine criminal investigations beyond their constitutionally ascribed role of approving a search warrant based on a showing of probable cause. Our precedents do not allow this, and neither does our constitutional structure.

Only one possible justification for equitable jurisdiction remains: that Plaintiff is a former President of the United States. It is indeed extraordinary for a warrant to be executed at the home of a former president—but not in a way that affects our legal analysis or otherwise gives the judiciary license to interfere in an ongoing investigation. The *Richey* test has been in place for nearly fifty years; its limits apply no matter who the government is investigating. To create a special exception here would defy our Nation's foundational principle that our law applies "to all, without regard to numbers, wealth, or rank." *State of Georgia v. Brailsford*, 3 U.S. (3 Dall.) 1, 4 (1794).

* * *

The law is clear. We cannot write a rule that allows any subject of a search warrant to block government investigations after the execution of the warrant. Nor can we write a rule that allows only former presidents to do so. Either approach would be

22-13005

Opinion of the Court

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a radical reordering of our caselaw limiting the federal courts' involvement in criminal investigations. And both would violate bedrock separation-of-powers limitations. Accordingly, we agree with the government that the district court improperly exercised equitable jurisdiction, and that dismissal of the entire proceeding is required.

The district court improperly exercised equitable jurisdiction in this case. For that reason, we **VACATE** the September 5 order on appeal and **REMAND** with instructions for the district court to **DISMISS** the underlying civil action.

UNITED STATES COURT

UNITED STATES OF AMERICA,
Plaintiff

V.

Case#9:23-cr-80101-AMC -1

DONALD J. TRUMP, et al.,
Defendants

MOTION TO RETURN PROPERTY- RULE 41(g)

Rule 41(g) allows for a person aggrieved by the deprivation of seized property to move for its return.

On 06-21-2021 the Eleventh Circuit granted Interested Party and Federal Trustee Duane L. Berry a stay pending the arrest of classified Seized Federal Securities, which consisted of Donald J. Trump's financial, bank, and tax records. See attached-A.

Whereas, SEIZED FEDERAL SECURITIES have been arrested, however the attached portion of Donald J. Trump's financial, bank and or tax records arrested in this action in related Case#22-8832 and #22-13061 SEALED SEARCH WARRANT are also subject to SEIZED FEDERAL SECURITIES. See attached-B.

The Movants now request the return of this attached property, as it is simultaneously under arrest by the Department of Justice in Movant's investigation.

Furthermore, the Eleventh Circuit in Case#22-13005, Trump V. U.S.A., stated that the Court can not block a Government investigation after the execution of the warrant. See attached-C.

CERTIFICATE OF SERVICE

I declare under the penalty of perjury that this motion has been served by Certified Mail on all parties.

Dated:06-20-2023

Respectfully submitted,
/s/ Duane L. Berry
(Federal Trustee)
U.S. Dept. of the Treasury
SEIZED FEDERAL SECURITIES
(Movants)

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BER,BNDDUTY,REF_EVENTS ONLY (NEFs)

**U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:23-cr-80101-AMC-1**

Case title: USA v. Trump, et al.

Date Filed: 06/08/2023

Assigned to: Judge Aileen M. Cannon
Referred to: Magistrate Judge Bruce E.
Reinhart

Defendant (1)

Donald J. Trump
63675-510
YOB: 1946; English

represented by **Christopher Michael Kise**
Chris Kise & Associates, P.A.
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850-270-0566
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LEAD ATTORNEY
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Stephen H. Weiss
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PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

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Email: toddblanche@blanchelaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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